IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1814 OF 1978

M/s International Exports & Estate Agency & Anr. .. Petitioners

V/s

Surinder Kumar, 4th Income Tax Officer A-III Ward, Bombay & Anr. .. Respondents

Mr.B.D. Damodar i/b Kanga & Co. for the Petitioners.

Mr.A.M. Kotangale for the Respondents.

CORAM : H.L. GOKHALE & V.R. KINGAONKAR, JJ.

DATE : 1ST AUGUST 2006

P.C. :

1. Mr.Damodar appearing for the Petitioners states that the Petitioners have instructed him to withdraw the petition since nothing survives in the matter any longer. After filing this petition, the Petitioners had filed an appeal against the assessment order. That was in pursuance of the Division Bench order dated 28th June 1995. That order was carried to the Appellate Tribunal and that decision has finalised the dispute and the decision is accepted by the Petitioners.

2. Mr.Damodar further informs that when the

petition was admitted on 21st December 1978, an interim order was graned in terms of prayer (d) on the Petitioners undertaking to furnish a bank guarantee to the satisfaction of the Prothonotary & Senior Master in the sum of Rs.6,65,318/-. He states that the bank guarantee has been given and has been renewed from time to time.

3. In view of the prayer on behalf of the Petitioners, we allow the petition to be withdrawn. The Prothonotary & Senior Master will return the original bank guarantee and the renewed bank guarantees to the Petitioners.

4. Rule is discharged. Interim order is vacated.

4. The Prothonotary & Senior Master will act on an authenticated copy of this order.

(H.L. GOKHALE, J.)

(V.R. KINGAONKAR, J.)